

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PETER C. McKITTRICK,

Plaintiff,

No. 03:12-mc-00364-HZ

OPINION & ORDER

v.

DURO BAG MANUFACTURING CO.
and DURO STANDARD PRODUCTS
CO., INC.,

Defendants.

Justin D. Leonard
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Attorney for Plaintiff

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Attorney for Defendants

HERNANDEZ, District Judge:

Before the court is a Report and Recommendation from Judge Dunn of the United States Bankruptcy Court in the District of Oregon regarding a Motion for Withdrawal of Reference.


Defendants filed a motion to withdraw the reference with respect to an adversary proceeding. Defendants assert that the bankruptcy court lacks authority to issue final judgment in the adversary proceeding, and furthermore, does not consent to a jury trial conducted by the bankruptcy court. Plaintiff did not oppose the motion to withdraw the reference. Pursuant to LR 2100-4, Judge Dunn recommended that the district court withdraw the reference and assume jurisdiction over the adversary proceeding. Given Plaintiff's consent to the motion to withdraw and Judge Dunn's well-reasoned report, I adopt the recommendation to grant the motion.

CONCLUSION

Pursuant to 28 U.S.C. § 157(d), the motion to withdraw the reference is granted. The district court withdraws the reference in the adversary proceeding.

IT IS SO ORDERED.

Dated this 4th day of December, 2012.


MARCO A. HERNANDEZ
United States District Judge